PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2007-00708-TS
Comment Period: December 5, 2008 through January 5, 2008
Project Manager: Theresa Stevens, Ph.D. [Theresa.Stevens@usace.army.mil]

Applicant
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Location

The project is located within the Installation Restoration (IR) Site 7, located in the Port of Long Beach West Basin (the former Long Beach Naval Complex), near the city of Long Beach, Los Angeles County, California (see attached figures).

Activity

The project site comprises approximately 700 acres of submerged land in the Port's West Basin. The Port is an active commercial and recreational harbor with a multitude of ongoing land uses including marine container, break-bulk, and roll-on roll-off cargo terminals; commercial fishing facilities; military use; commercial satellite launching services; automobile import; and public boat launches (Figure 1).

The proposed project involves dredging up to approximately 800,000 cubic yards (cy) of contaminated sediments from several Areas of Ecological Concern (AOEC-A, AOEC-CE, and AOEC-CW) and placing that material off site in an approved fill site at the Port's Pier G. The location of Pier G in relation to the AOECs is shown in Figure 2. A cross-section of the approved Pier G fill site is shown in Figure 3.

For more information see page 4 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10

of the River and Harbor Act of March 3, 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344) . Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division
Ventura Field Office
Attention: Theresa Stevens
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: Theresa.Stevens@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- In 1998, an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was prepared jointly by the U.S. Navy and the Port that described the reuse of the entire Long Beach Naval Complex. The EIS/EIR described the proposed reuses for the various parts of the complex including the areas adjacent to the proposed dredging areas including a liquid bulk terminal on Pier Echo and a neobulk/breakbulk terminal on the U.S. Navy Mole.

Following certification of the EIS/EIR, the Lease In-furtherance of Conveyance was prepared to convey the property to the Port and described the restrictions under which the property could be transferred. In particular, the Port has the responsibility of performing all remediation necessary to protect human health and the environment with respect to any hazardous substances, which may exist in the West Basin. A Record of Decision (ROD) was prepared accepting the remedy and signed by the U.S. Navy in September of 2007.

In response to the Port's application for a Section 404/10 permit, a preliminary determination has been made that an environmental impact statement to analyze impacts subject to the Corps jurisdiction is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- The project is located within the Port of Long Beach. Therefore, the Port will certify whether the proposed project is consistent with their approved Master Plan.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and the RMS Queen Mary is docked within the Port of Long Beach at Pier J. The proposed project would take place within the Port of Long Beach and occur below the water surface an in an approved disposal site in the Port. Dredging and disposal of dredged material in the proposed project area is not expected to affect listed or eligible historical or archaeological resources within the Port of Long Beach or Long Beach Harbor. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. The California least tern *(Sterna antillarum browni)* and California brown pelican *(Pelecanus occidentalis californicus)* are federally and listed as endangered under the federal Endangered Species Act (ESA) of 1973; in California these species are also fully protected. The California least tern nests at a site approximately 2 miles away from the project site on Pier 400 in the Port of Los Angeles between April 1 and September 1 and is protected at this site pursuant to an interagency nesting site agreement. Areas in the outer harbor shallower than -6.1 meters (-20 feet) MLLW are considered important feeding sites for the California least tern during their nesting season. The areas to be dredged for the proposed project are all more than 6.1 meters (20 feet) deep and thus would not be considered essential foraging habitat for the California least tern. California brown pelicans use the harbor year-round for resting but do not breed there. They may occasionally perch on structures in the project area. In addition, the areas to be dredged for the proposed project and the disposal site are continually used by commercial ships and support vessels. The proposed dredging and disposal activities are not expected to produce disturbance or noise in excess of existing shipping operations that affect the Port and the proposed project is not likely to adversely affect listed species or their critical habitat within the Port. Concurrence with this determination by the U.S. Fish and Wildlife Service is requested.

Essential Fish Habitat - The Port is located within an area designated as an Essential Fish Habitat (EFH) for two Fishery Management Plans, the Coastal Pelagics Management Plan and the Pacific Groundfish Management Plan. Four coastal pelagic species and two Pacific groundfish species were found in the Port's Inner Harbor in 2000 (MECAS 2002). Of coastal pelagics, only the northern anchovy (*Engraulis mordax*) were abundant. Of groundfish, only Pacific sanddab (*Citharichthys sordidus*) and black rockfish (*Sebastes melanops*) were identified, and both species were found at the southern end of the Back Channel. Dredging would likely result in temporary increases in turbidity and suspended solids at the dredging site, which could decrease light penetration causing a decline in primary productivity due to decreased photosynthesis by phytoplankton. Any appreciable turbidity increase may also cause clogging of gills and feeding apparatuses of fish and invertebrate filter feeders. Direct impacts to benthic invertebrates include abrasion, entrainment, or mortality from the cutterhead dredge and clamshell bucket. Impacts to biological resources are expected to be minimized due to the localized nature of dredge operations within the West Basin. Chambers (2001) suggests that Southern California harbor dredging projects would probably not generate turbidity levels at 100 meters or more from the dredge site that would have a significant effect on marine organisms. Although fish could be affected by turbidity from dredging activities, studies have shown that large-scale channel dredging and landfill operations in the 1980s and 1990s did not have long-term adverse effects on fish populations (MECAS 1988; SAIC and MECAS 1996), as fish are able to avoid the impact by simply swimming out of the area. Noise and disturbance associated with project

activities could have short-term adverse impacts on aquatic habitat. However, because noise and disturbance from boat traffic and other activities within the Port are part of the ambient conditions and given the temporary nature of the project, impacts on fish in the proposed project area are expected to be temporary and minor. Dredging would remove chemically impacted sediments that were determined to pose an ecological risk. Therefore, while dredging may create adverse short-term impacts to benthic species and local fish populations (such as direct mortality of organisms, burial by settling of suspended sediments, reduced ingestion, or depressed filtration rates), these impacts are offset by the removal of contaminated sediments that pose an ecological risk and an ongoing hindrance to the overall health of the ecosystem in the West Basin. Following dredging of the impacted sediments, benthic communities are expected to re-colonize from planktonic stages and are expected to recover to a state of biomass and diversity that exceeds the pre-project condition. Permanent loss of benthic habitat would occur at the Pier G slip fill site. The Pier G fill site is a confined disposal facility which has been designed to effectively contain chemically impacted materials and to control runoff of decant water from the settling of dredged material at the site. Impacts resulting from the construction and operation of the fill site were previously analyzed and authorized by the Port's Harbor Development Permit 00-007; Los Angeles Regional Water Quality Control Board (LARWQCB) Order No. 01-042, File No. 01-009; and Department of the Army Permit 2001-00395-AOA. Therefore, the disposal of dredged material at the Pier G slip fill site is not expected to degrade water quality or adversely affect fish or essential fish habitat within the Port. Concurrence with this determination from the National Marine Fisheries Service is requested.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for the proposed project is remedial dredging, which is a water dependent activity.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' Section 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose is to implement the U.S. Navy's goals for cleanup of the site, as summarized in the U.S. Navy's Record of Decision (ROD), which is the objective of the proposed project. In order to fulfill that purpose, the Port must:

- Dredge, using either mechanical or hydraulic equipment, a sufficient volume of material from AOEC-A and AOEC-C to achieve the mandated target cleanup goals (estimated to be up to 800,000 cy) and transport that material to the approved Pier G fill site.

- Ensure that the removal of sediments achieves the Sediment Management Objectives (SMOs) for metals and organics as described in the ROD through dredging of the contaminated material.

In addition to the remedies specified in the ROD, to facilitate the project the Port must also remove the abandoned sonar calibration pier from AOEC-CW and remove, abate, and dismantle four sunken barges from AOEC-C. The proposed project meets a public need for remediation of

contaminated sites and enhancement of aquatic resources and the Port's need to implement the terms of the Lease In-furtherance of Conveyance (LIFOC).

Additional Project Information

Installation Restoration Site 7 (IR Site 7) comprises approximately 700 acres of submerged land in the Port of Long Beach's (Port's) West Basin and is adjacent to the former Long Beach Naval Complex (LBNC; Figure 1). Water depths in IR Site 7 range from 0 to -45 feet mean lower low water (MLLW).

Beginning in 1938, the U.S. Navy constructed and operated the LBNC for troop deployment and industrial uses including ship construction and repair. The former LBNC housed two major naval entities, the Long Beach Naval Shipyard (LBNS) and the Naval Station Long Beach (NAVSTA). The LBNC provided logistical support for ships and performed work in connection with construction, conversion, overhaul, repair, alteration, dry-docking and fitting out of ships. From the early 1940s to the mid-1970s, various fuels, oils, and other organic and metal wastes were discharged at IR Site 7. As a result, the sediments within the site contain heavy metals, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs) at levels predicted to cause ecological risks to the resident benthic communities. After more than 50 years of service, the NAVSTA was closed on September 30, 1994, under the Base Re-alignment and Closure Act (BRAC) II. On September 30, 1997, the LBNS was closed under BRAC IV. Site ownership for the majority of the submerged land within the West Basin formally reverted to the Port under the BRAC program. Currently, a 100-foot wide area surrounding the West Basin remains under U.S. Navy ownership; however, the U.S. Navy plans to transfer this property to the Port.

In 1998, an Environmental Impact Statement/Environmental Impact Report (EIS/EIR) was prepared jointly by the U.S. Navy and the Port that described the reuse of the entire LBNS complex. The EIS/EIR described the proposed reuses for the various parts of the LBNS complex including the areas adjacent to the proposed dredging areas including a liquid bulk terminal on Pier Echo and a neobulk/breakbulk terminal on the U.S. Navy Mole.

Following certification of the EIS/EIR, the Lease In-furtherance of Conveyance (LIFOC) was prepared to convey the property to the Port and described the restrictions under which the property could be transferred. In particular, the Port had the responsibility of performing all remediation necessary to protect human health and the environment with respect to any hazardous substances, which may exist in the West Basin.

As part of the site closure process, a Remedial Investigation/Feasibility Study (RI/FS), completed by Bechtel, International (Bechtel 2003) for the U.S. Navy pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), investigated potential areas of contamination and evaluated options for remediation in an effort to reduce estimated ecological and human health risks. Investigations at IR Site 7 identified chemically-impacted Areas of Ecological Concern (AOEC) and identified Chemicals of Ecological Concern (COEC) with the potential to produce significant risk to benthic communities (Figure 2). A proposed plan that provides the greatest level of protection to IR Site 7 benthic communities, achieves the remedial action objectives, provides the greatest level of long-term effectiveness and permanence, and is easily implemented was developed. To achieve this end, Sediment Management Objectives (SMOs) were developed.

The remedies of the proposed plan are:

- AOEC-A and AOEC-C: removal and discharge of the AOEC sediments at off-site (outside IR Site 7) projects, thereby creating a clean substrate supporting the presence of an ecologically productive and diverse benthic community.
- AOEC-B: no remedial action necessary to protect the environment as chemical concentrations have not resulted in sediment toxicity or adverse effects on the benthic community.
- AOEC-E, AOEC-F, and AOEC-G (Pier AOECs): limited action necessary to implement institutional controls for the purpose of preventing unauthorized or uncontrolled disturbance and/or exposure of beneath-pier chemically impacted sediments.
- AOEC-D was accepted as a no-action area.

Table 1.1 depicts the depth below sediment surface, including over depth, and volume of dredging for each AOEC. Dredged material would be transported to and placed in the previously approved Pier G fill site.

Table 1.1
Volume of Depth Below Sediment Surface

Dredge Area	Acres	Depth of Remedial Removal (feet)	Allowed Contractor Over-dredge (feet)	Maximum Dredge Volume (cy)
AOEC-A	16.33	4	2	181,000
AOEC-CW	33.20	4	2	371,000
AOEC-CE	33.38	2	2	248,000

The method of dredging will be either mechanical, with dredged material transported via split-hull barge to the landfill, or hydraulic pipeline, with dredged material pumped in slurry form to the Pier G disposal site (fill site). Dredging would require approximately 62 working days to complete (working days are generally Monday through Friday). Contaminated sediments would be dredged using an electric-powered dredge drawing power from the regional grid. Emissions during dredging would be generated by diesel-powered tugboats and support boats. Dredged materials would be placed at the Pier G fill site, which is an in-water site described below. Dredging plans will be specifically designed to ensure that structures such as the wharves are not damaged.

Additionally, the Port intends to demolish the existing abandoned sonar calibration pier located within AOEC-CW (Figure 2). Removal of the dilapidated structure requires abatement of asbestos-wrapped above-water utilities, removal of the timber and steel superstructure, and removal of the concrete piling. Materials would be recycled or disposed of at an approved upland disposal site. The Port also intends to retrieve four sunken barges from AOEC-C and place them upland for hazardous material inspection, abatement, and dismantlement. Demolition would generate an estimated 5,000 cy of debris during a 20-workday period. The pier would be demolished using in-water and on-land equipment, and the debris would be hauled by truck to a yet-to-be-determined approved upland disposal site. Emissions would be generated by construction equipment at the demolition site, haul trucks taking debris to the disposal site, and commute vehicles. The debris disposal site would be an existing permitted facility; therefore, emissions at the disposal site are not included in this assessment.

The Pier G fill site has been designed to effectively contain chemically impacted materials and to control runoff of decant water from the settling of dredged material at the site. Impacts resulting from the construction and operation of the fill site were previously analyzed and authorized by the Port's Harbor Development Permit 00-007; Los Angeles Regional Water Quality Control Board (LARWQCB) Order No. 01-042, File No. 01-009; and Department of the Army Permit 2001-00395-AOA. Therefore, those impacts are not further considered in this document.

To insure that removal of the sediments achieves the threshold Sediment Management Objectives (SMO) for metals and organics as described in the ROD and shown in Table 1.2, the Port will implement a sampling program to confirm compliance with the proposed SMOs.

Table 1.2
Sediment Management Objectives

Contaminant	Final SMO
Copper	254 mg/kg
Lead	100 mg/kg
Mercury	0.9 mg/kg
Silver	3.5 mg/kg
Zinc	307 mg/kg
Total PAH	5,400 µg/kg
Total PCBs	570 µg/kg
Total DDT	210 µg/kg

Note:
DDT = dichlorodiphenyltrichloroethane
mg/kg = milligram per kilogram
µg/kg = microgram per kilogram

Alternatives Considered

During the RI/FS process, a number of alternatives were considered, including:

- No action
- Institutional controls (no dredging)
- Dredging with off-site disposal (outside IR Site 7)
- Dredging with on-site disposal (inside IR Site 7)

The final selected plan was determined to provide the greatest level of protection to IR Site 7 benthic communities, achieve the remedial action objectives, provide the greatest level of long-term effectiveness and permanence, and be feasibly implemented.

The remedies of the proposed plan are:

- AOEC-A and AOEC-C: removal and discharge of the AOEC sediments at off-site (outside IR Site 7) projects, thereby creating a clean substrate supporting the presence of an ecologically productive and diverse benthic community.

- AOEC-B: no remedial action necessary to protect the environment as chemical concentrations have not resulted in sediment toxicity or adverse effects on the benthic community.
- AOEC-E, AOEC-F, and AOEC-G (Pier AOECs): limited action necessary to institute "institutional controls" for the purpose of preventing unauthorized or uncontrolled disturbance and/or exposure of beneath-pier chemically impacted sediments.

A Record of Decision (ROD) was prepared accepting the remedy and signed by the U.S. Navy in September of 2007. For a complete description of investigations and operations at the former shipyard, please see the 2003 Final Feasibility Study Report, Installation Restoration Site 7, Naval Station Long Beach, prepared by Bechtel.

Conditions Proposed by the Applicant

Consistent with San Pedro Bay Ports Clean Air Action Plan (CAAP) the Port will require the contractor to implement the following mitigation measures for harbor crafts, on-road vehicles, and off-road equipment.

Construction Equipment

a) **MM-Air-1.** Maintain equipment and vehicle engines in good condition and in proper tune in accordance with manufacturers' specifications.
b) **MM-Air-2.** To the extent practicable based on equipment availability, the Port shall, for all construction equipment, require construction contractors to use construction equipment with oxidation catalysts and particulate traps instead of gasoline- or diesel-powered engines alone. Diesel-powered equipment that has been retrofitted with after-treatment products reduces NOx by 40 percent. However, where diesel-powered equipment has to be used because there are no practical alternatives, the Port shall (to the extent practicable based on equipment availability) require construction contractors to use particulate filters and oxidation catalysts.
c) **MM-Air-3.** To the extent practicable based on equipment availability, the Port shall require construction contractors to use trucks supplying materials and supplies to the project site be fitted with oxidation catalysts or particulate traps. Demolition would generate an estimated 5,000 cy of debris during a 20-workday period, resulting in an estimated 40 net truck trips over a 62-day construction period. The pier would be demolished using in-water and on-land equipment, and the debris would be hauled by truck to a yet-to-be-determined existing permitted disposal site.
d) **MM-Air-4.** Use electricity from power poles instead of temporary diesel- or gasoline-powered generators. Note: the clamshell dredge proposed for this project shall be electrically powered from an existing substation on Pier T.
e) **MM-Air-5.** Prohibit heavy-duty construction vehicles from idling in excess of 5 minutes, both on site and off site, to be consistent with state law.

Harbor Craft for Temporary Dredging Projects

a) **MM-Air-6.** The Port shall require dredging contractors to use harbor craft meeting U.S. Environmental Protection Agency (USEPA) Tier-2 standards for harbor crafts, or meet equivalent reductions, as well as require (no later than 5 years or when they first become available) all previously re-powered harbor craft to retrofit with the most effective Air Resources Board (ARB) verified/verifiable NOX and PM emissions reduction technologies.

b) **MM-Air-7.** Require low-sulfur fuel in the engines at the following annual participation rates:
   - 2007 to 2009 – use of marine fuel in all main engines with a maximum sulfur content of 0.2 percent.

The above mitigation measures would reduce emissions of NO_X, carbon monoxide (CO), and PM_{10}, and $PM_{2.5}$ to less than the SCAQMD CEQA thresholds. Therefore, the air quality impacts caused by the proposed project would be less than significant after mitigation.

Proposed General Conditions:

Section 10

1. The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329.

2. No earthwork or modifications to structures is authorized by this permit.

3. A pre-construction survey of the project area for *Caulerpa taxifolia* (*Caulerpa*) shall be conducted in accordance with the Caulerpa Control Protocol (see http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf) not earlier than 90 calendar days prior to planned dredging and not later than 30 calendar days prior to dredging. The results of that survey shall be furnished to the Corps, NOAA Fisheries, and the California Department of Fish and Game (CDFG) at least 15 calendar days prior to initiation of work in navigable waters. In the event that *Caulerpa* is detected within the project area, the Permittee shall not commence work until such time as the infestation has been isolated, treated, and the risk of spread is eliminated as confirmed in writing by the Corps, in consultation with NOAA Fisheries and CDFG.

4. FOR DREDGING PROJECTS WITH THE POTENTIAL TO IMPACT EELGRASS: Prior to each maintenance dredging event, a pre-project eelgrass survey should be conducted in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP) (http://swr.nmfs.noaa.gov/hcd/eelpol.htm). If the pre-project survey demonstrates eelgrass presence within the project vicinity, a post-project survey should be conducted and impacts to eelgrass mitigated in accordance with the SCEMP.

5. The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.

6. The Permittee shall notify the Corps of the date of commencement of operations not less than 14 calendar days prior to commencing work, and shall notify the Corps of the date of completion of operations at least five (5) calendar days prior to such completion.

7. The Permittee shall notify the Commander, Eleventh Coast Guard District, and the Coast Guard Marine Safety Office / Group LA-LB, , not less than 14 calendar days prior to commencing work and as project information changes. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:

A) Project description including the type of operation (i.e. dredging, diving, construction, etc).

B) Location of operation, including Latitude / Longitude (NAD 83).

C) Work start and completion dates and the expected duration of operations.

D) Vessels involved in the operation (name, size and type).

E) VHF-FM radio frequencies monitored by vessels on scene.

F) Point of contact and 24 hour phone number.

G) Potential hazards to navigation.

H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Building 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners
TEL: (510) 437-2986
FAX: (510) 437-3423
FAX: (310) 732-2029

U.S. Coast Guard
Marine Safety Office / Group LA-LB
1001 South Seaside Ave., Bldg 20
San Pedro, CA 90731
Attn: Waterways Management
TEL: (310) 732-2020

8. The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the Eleventh Coast Guard District in writing, with a copy to the Corps, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation which requires relocation or removal. Should any federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee and its contractor are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard.

9. Should the Permittee determine the work requires the placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the

Corps and the U.S. Coast Guard.

10. Upon notification to the U.S. Coast Guard as specified in Special Condition 7, the Permittee shall forward a copy of the notification to the Coast Guard Captain of the Port (COTP). The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The Permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

11. Within 30 calendar days of completion of the project authorized by this permit, the Permittee shall conduct a post-project survey indicating changes to structures and other features in navigable waters. The Permittee shall forward a copy of the survey to the Corps and to the National Oceanic and Atmospheric Service for chart updating: Gerald E Wheaton, NOAA, Regional Manager, West Coast and Pacific Ocean, DOD Center Monterey Bay, Room 5082, Seaside, CA 93955-6711.

12. The permittee understands and agrees that, if future operations by the United States require the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Dredging

1. For this permit, the term dredging operations shall mean: navigation of the dredging vessel at the dredging site, excavation of dredged material within the project boundaries, and placement of dredged material into a hopper dredge or disposal barge or scow.

2. Dredging authorized in this permit shall be limited to the areas defined in Figure 2 and varies by AOEC. The design depth, overdredge depth, and volume for each AOEC, as shown in Figure 2, would be as follows:

Volume of Depth Below Sediment Surface

Dredge Area	Acreage (acres)	Depth of Remedial Removal (feet)	Allowed Contractor Overdredge (feet)	Maximum Dredge Volume (cy)
AOEC-A	16.33	4	2	181,000
AOEC-CW	33.20	4	2	371,000
AOEC-CE	33.38	2	2	248,000

3. No dredging is authorized in any other location under this permit. This permit does not authorize the placement or removal of buoys.

4. The Permittee is prohibited from dredging and disposing material in navigable waters of the U.S. that has not been tested and determined by the Corps, in consultation with the Environmental Protection Agency Region IX (EPA), to be both clean and suitable for disposal in ocean waters. Re-testing of previously tested or dredged areas is required after three years from the date of sediment

sampling. This time limit is subject to shortening given the occurrence of any event that may cause previously determined clean material to become suspect, at the discretion of the Corps. Prior to each dredging episode, the Permittee must demonstrate that the proposed dredged materials are chemically and physically suitable for disposal in ocean waters according to the provisions of the Inland Testing Manual or Ocean Disposal Manual as appropriate. If the material does not meet the physical and chemical criteria for unconfined disposal in ocean waters, the dredged material shall be disposed in an upland disposal area. The Permittee shall submit to the Corps and EPA a draft sampling and analysis plan (SAP). Sampling may not commence until the SAP is approved, in writing, by the Corps, in consultation with EPA.

5. At least 15 calendar days before initiation of any dredging operations authorized by this permit, the Permittee shall send a dredging and disposal operations plan to the Corps and EPA, with the following information:

A) A list of the names, addresses and telephone numbers of the Permittee's project manager, the contractor's project manager, the dredging operations inspector, the disposal operations inspector and the captain of each tug boat, hopper dredge or other form of vehicle used to transport dredged material to the designated disposal site.

B) A list of all vessels, major dredging equipment and electronic positioning systems or navigation equipment that will be used for dredging and disposal operations, including the capacity, load level and acceptable operating sea conditions for each hopper dredge or disposal barge or scow to assure compliance with special conditions on dredging and disposal operations.

C) The results of a detailed analysis of all material to be dredged pursuant to an approved SAP.

D) A detailed description of the dredging and disposal operations authorized by this permit. Description of the dredging and disposal operations should include, at a minimum, the following:

i) Dredging and disposal procedures for dredged material determined by the Corps and EPA Region IX to be unsuitable for ocean disposal.

ii) A schedule showing when the dredging project is planned to begin and end.

E) A predredging bathymetric condition survey (presented as a large format plan view drawing), taken within thirty (30) days before the dredging begins, accurate to 0.5-foot with the exact location of all soundings clearly defined on the survey chart. The predredge survey chart shall be prepared showing the following information:

i) The entire dredging area, the toe and top of all side-slopes and typical cross sections of the dredging areas. To ensure that the entire area is surveyed, the predredge condition survey should cover an area at least 50 feet outside the top of the side-slope or the boundary of the dredging area, unless obstructions are encountered.

ii) The dredging design depth, overdredge depth and the side-slope ratio.

iii) The total quantity of dredged material to be removed from the dredging areas and

the side-slope areas.

iv) Areas shallower than the dredging design depth shall be shaded green, areas between the dredging design depth and overdredge depth shall be shaded yellow, and areas below overdredge depth that will not be dredged shall be shaded blue. If these areas are not clearly shown, the Corps may request additional information.

v) The predredging survey chart shall be signed by the Permittee to certify that the data are accurate and that the survey was completed within thirty (30) days before the proposed dredging start date.

F) A debris management plan to prevent disposal of large debris at the disposal site. The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

6. The Permittee shall not commence dredging and disposal operations unless and until the Permittee receives a Notice to Proceed, in writing, from the Corps.

7. The Permittee shall maintain a copy of this permit on all vessels used to dredge, transport and dispose of dredged material authorized under this permit.

8. The Permittee shall notify the Commander Eleventh Coast Guard District (USCG), and the Coast Guard Marine Safety Office / Group LA-LB not less than 14 calendar days prior to commencing work and as project information changes. A copy of each notification to the USCG shall be sent to the Corps for our file. The notification, either by letter, fax, or e-mail, shall include as a minimum the following information:

A) Project description including the type of operation (i.e. dredging, diving, construction, etc).

B) Location of operation, including Latitude / Longitude (NAD 83).

C) Work start and completion dates and the expected duration of operations.

D) Vessels involved in the operation (name, size and type).

E) VHF-FM radio frequencies monitored by vessels on scene.

F) Point of contact and 24 hour phone number.

G) Potential hazards to navigation.

H) Chart number for the area of operation.

Addresses:

Commander, 11th Coast Guard District (oan)
Coast Guard Island, Building 50-3
Alameda, CA 94501-5100
ATTN: Local Notice to Mariners

U.S. Coast Guard
Marine Safety Office / Group LA-LB
1001 South Seaside Ave., Bldg 20
San Pedro, CA 90731

TEL: (510) 437-2986
FAX: (510) 437-3423
FAX: (310) 732-2029

Attn: Waterways Management
TEL: (310) 732-2020

9. The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. Chapter I, subchapter C, part 66. The Permittee shall ensure its contractor notifies the USCG in writing, with a copy to the Corps, not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation which requires relocation or removal. Should any federal aids to navigation be affected by this project, the Permittee shall submit a request, in writing, to the Corps as well as the USCG, Aids to Navigation office. The Permittee and its contractor(s) are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps and the U.S. Coast Guard

10. Should the Permittee determine the work requires the placement and use of private aids to navigation in navigable waters of the U.S., the Permittee shall submit a request in writing to the Corps as well as the U.S. Coast Guard, Aids to Navigation office. The Permittee is prohibited from establishing private aids to navigation in navigable waters of the U.S. until authorized to do so by the Corps and the USCG.

11. The Permittee shall ensure that the captain of any hopper dredge, tug or other vessel used in the dredging and disposal operations, is a licensed operator under USCG regulations and follows the Inland and Ocean Rules of Navigation or the USCG Vessel Traffic Control Service. All such vessels, hopper dredges or disposal barges or scows, shall have the proper day shapes, operating marine band radio, and other appropriate navigational aids.

12. The Permittee's contractor(s) and the captain of any dredge covered by this permit shall monitor VHF-FM channels 13 and 16 while conducting dredging operations.

13. Upon request, the Permittee and its contractor(s) shall allow inspectors from the Corps, EPA, and(or) the USCG to inspect all phases of the dredging and disposal operations.

14. Upon request, the Permittee and its contractor(s) retained to perform work authorized by the permit or to monitor compliance with this permit shall make available to inspectors from the Corps, EPA, and(or) the USCG the following: dredging and disposal operations inspectors' logs, the vessel track plots and all disposal vessel logs or records, any analyses of the characteristics of dredged material, or any other documents related to dredging and disposal operations.

15. The permitted activity shall not interfere with the public's right to free navigation on all navigable waters of the United States.

16. If a violation of any permit condition occurs, the violation shall be reported by the Permittee to the Corps within twenty-four (24) hours. If the Permittee retains any contractors to perform any activity authorized by this permit, the Permittee shall instruct all such contractors that notice of any violations must be reported to the Permittee immediately.

17. When using a hopper dredge, water flowing through the weirs shall not exceed 10 minutes during dredging operations. The level that a hopper dredge can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site or during transit from the dredging site to the disposal site. No hopper dredge shall be filled above this predetermined level. Before each hopper dredge is transported to the disposal site, the dredging site

inspector shall certify that it is filled correctly.

18. When using a disposal barge or scow, no water shall be allowed to flow over the sides. The level that a disposal barge or scow can be filled shall not exceed the load line to prevent any dredged material or water from spilling over the sides at the dredging site. No disposal barge or scow shall be filled above this predetermined level. Before each disposal barge or scow is transported to the disposal site, the dredging site inspector shall certify that it is filled correctly.

19. The Permittee shall use an electronic positioning system to navigate at the dredging site. The electronic positioning system shall have a minimum accuracy and precision of +/- 10 feet (3 meters). If the electronic positioning system fails or navigation problems are detected, all dredging operations shall cease until the failure or navigation problems are corrected. Any navigation problems and corrective measures shall be described in the post-dredging completion report per Special Condition 20.

20. The Permittee shall submit a post-dredging completion report to the Corps within 30 calendar days after completion of each dredging project to document compliance with all general and special conditions defined in this permit. The report shall include all information collected by the Permittee, the dredging operations inspector and the disposal operations inspector or the disposal vessel captain as required by the special conditions of this permit. The report shall indicate whether all general and special permit conditions were met. Any violations of the permit shall be explained in detail. The report shall further include the following information:

A) Permit and project number.

B) Start date and completion date of dredging and disposal operations.

C) Total cubic yards disposed at the disposal site.

D) Mode of dredging.

E) Mode of transportation.

F) Form of dredged material.

G) Frequency of disposal and plots of all trips to the disposal site.

H) Tug boat or other disposal vessel logs documenting contact with the USCG before each trip to the disposal site.

I) Percent sand, silt and clay in dredged material.

J) A certified report from the dredging site inspector indicating all general and special permit conditions were met. Any violations of the permit shall be explained in detail.

K) A detailed post-dredging hydrographic survey of the dredging area. The survey shall show areas above the dredging design depth shaded green, areas between the dredging design depth and overdredge depth shaded yellow, areas below overdredged depth that were not dredged or areas that were deeper than the overdredge depth before the project began as indicated on the predredging survey shaded blue, and areas dredged below the overdredge

depth or outside the project boundaries shaded red. The methods used to prepare the post-dredging survey shall be the same methods used in the predredging condition survey. The survey shall be signed by the Permittee certifying that the data are accurate.

L) The post-dredging report shall be signed by a duly authorized representative of the Permittee. The Permittee's representative shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

For additional information please call Theresa Stevens, Ph.D. of my staff at (805) 585-2146. This public notice is issued by the Chief, Regulatory Division.

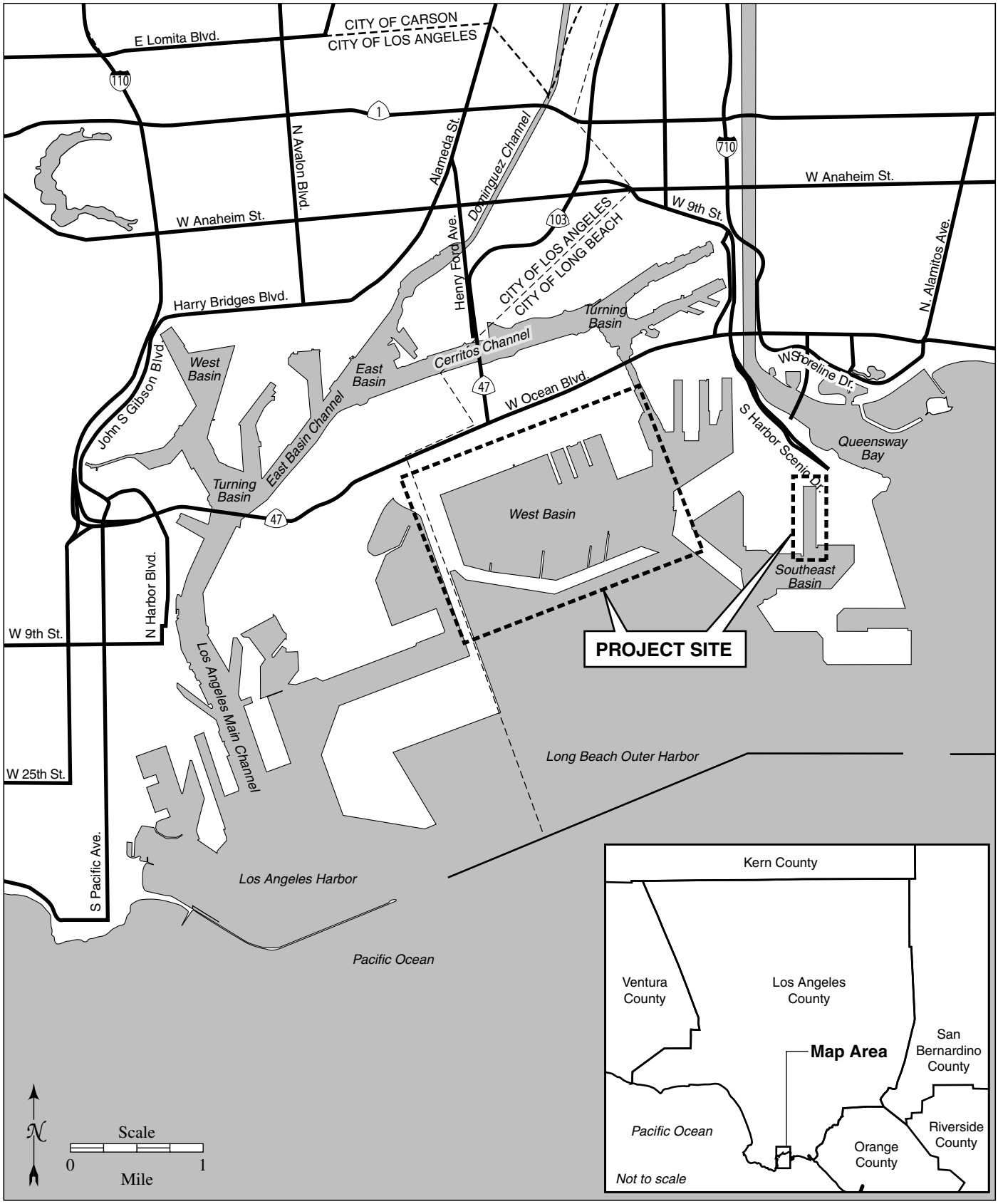
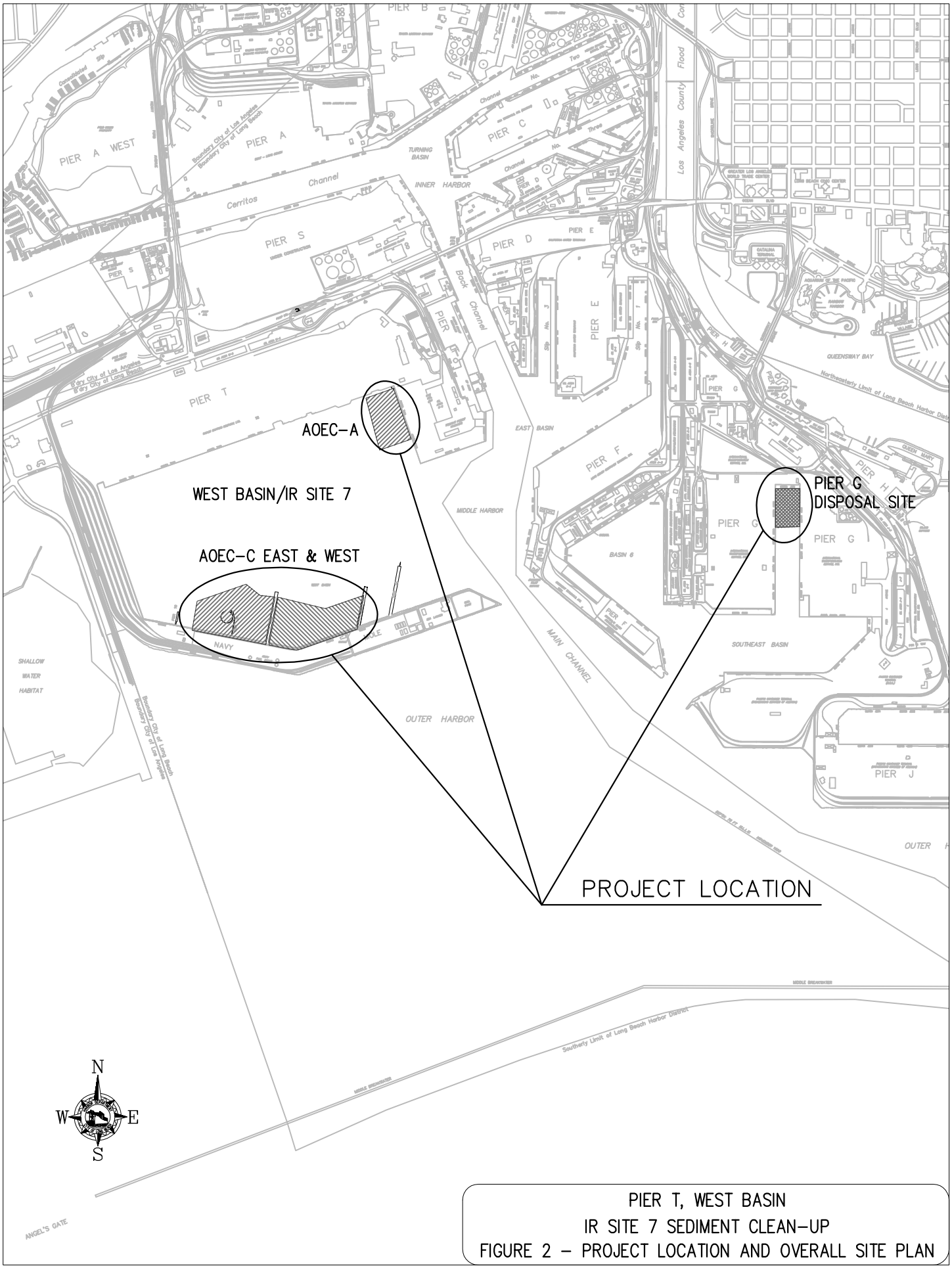
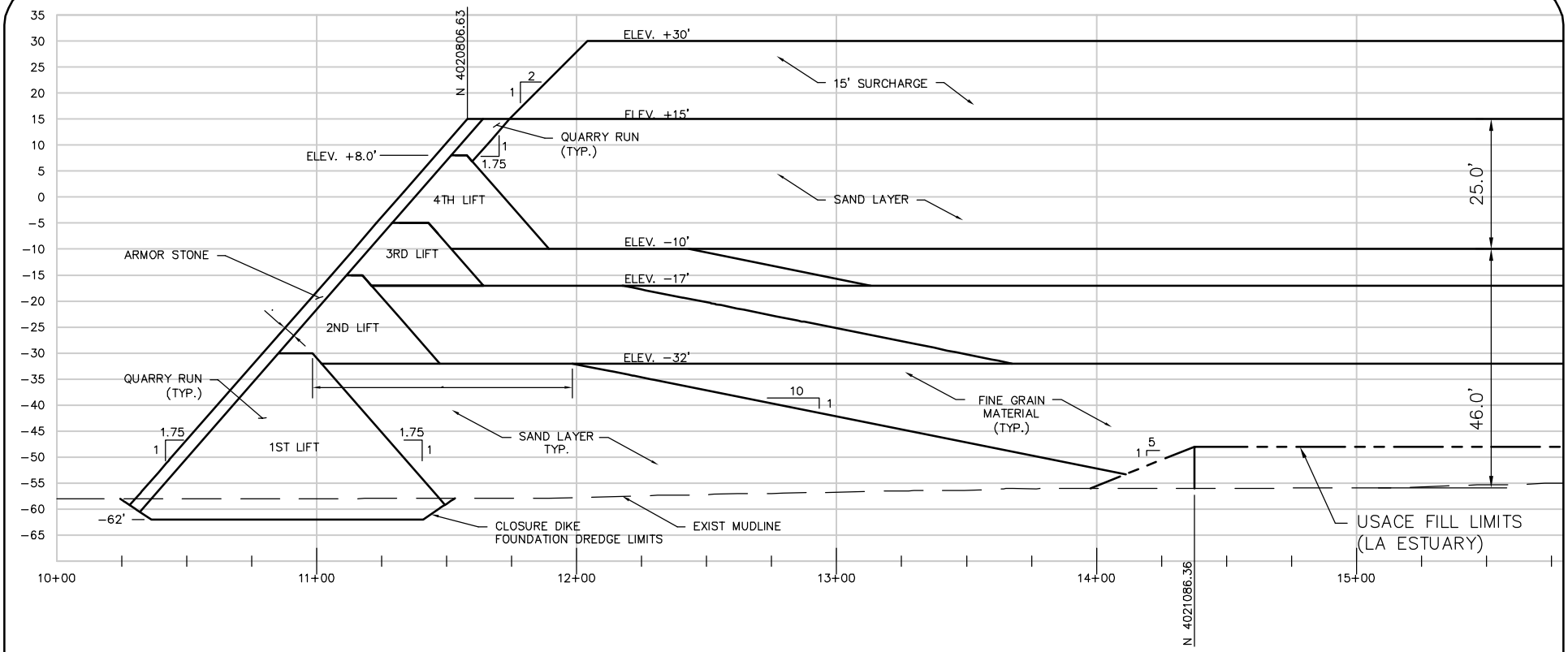


Figure 1. Project Vicinity Map


AOEC–A
WEST BASIN/IR SITE 7
AOEC–C EAST & WEST
PIER G
DISPOSAL SITE
PROJECT LOCATION
N
W
E
S
PIER T, WEST BASIN
IR SITE 7 SEDIMENT CLEAN–UP
FIGURE 2 – PROJECT LOCATION AND OVERALL SITE PLAN



HORIZONTAL GRAPHICAL SCALE

60' 0' 60' 120'

SCALE: 1''=60'

VERTICAL GRAPHICAL SCALE

30' 0' 30' 60'

SCALE: 1''=30'

VOLUMES (CU.YD)			
LIFT	ROCK	SAND	FINE GRAIN MATERIAL
1ST	37,462	88,169	332,009
2ND	13,356	47,492	270,894
3RD	9,962	17,895	139,205
4TH	12,028	614,570	–
5TH	2,757	–	–
TOTAL	75,565	768,126	742,108
TOTAL CAPACITY	1,585,799		
SURCHARGE	357,756		

PIER G, BERTHS G232 – G233
TERMINAL DEVELOPMENT PROJECT
FIGURE 3 – NORTH SLIP FILL CLOSURE DIKE – SECTION